

HOUSE BILL NO. 795

INTRODUCED BY J. WITT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TRANSPORTATION AND FUEL TAXES; AUTHORIZING A REFUND OF A PORTION OF THE GASOLINE AND SPECIAL FUELS TAX FOR QUALIFIED AGRICULTURAL COMMODITY HAULING; PROVIDING THE DEPARTMENT OF TRANSPORTATION WITH RULEMAKING AUTHORITY; AUTHORIZING HIGHER COMMERCIAL VEHICLE WEIGHTS FOR MONTANA-BASED MOTOR CARRIERS FOR NONINTERSTATE HIGHWAYS; AMENDING SECTION 61-10-125, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Agricultural commodity hauling refund -- rulemaking authority. (1)

An applicant whose use qualifies as agricultural commodity hauling may apply for a refund of the applicable tax on the gallons of gasoline as indicated by delivery invoices or manifests that document the mileage and fuel usage as an estimate of agricultural commodity hauling.

(2) An applicant may apply for a refund of 60% of the gasoline tax on gallons of gasoline as evidenced by delivery invoices or manifests that document mileage and fuel usage for agricultural commodity hauling.

(3) If an invoice or evidence is either lost or destroyed, the purchaser may support the purchaser's claim for refund by submitting an affidavit relating the circumstances of the loss or destruction and by producing other evidence that may be required by the department of transportation.

(4) The department of transportation shall adopt rules to implement the provisions of this section.

(5) For purposes of this section, "agricultural commodity hauling" means the transport by commercial motor vehicle, as defined in 61-1-134(1)(a), or a vehicle described in 61-1-134(2)(b) of any agricultural crop, forage used by livestock, or livestock, timber, birds, or fish that are grown, raised, or produced in Montana or any value-added agricultural product that is made from those things.

NEW SECTION. Section 2. Agricultural commodity hauling refund -- rulemaking authority. (1)

An applicant whose use qualifies as agricultural commodity hauling may apply for a refund of the applicable tax on the gallons of special fuel as indicated by delivery invoices or manifests that document the mileage and fuel

usage as an estimate of agricultural commodity hauling.

(2) An applicant may apply for a refund of 60% of the special fuel tax on gallons of special fuels as evidenced by delivery invoices or manifests that document mileage and fuel usage for agricultural commodity hauling.

(3) If an invoice or evidence is either lost or destroyed, the purchaser may support the purchaser's claim for refund by submitting an affidavit relating the circumstances of the loss or destruction and by producing other evidence that may be required by the department of transportation.

(4) The department of transportation shall adopt rules to implement the provisions of this section.

(5) For purposes of this section, "agricultural commodity hauling" means the transport by commercial motor vehicle, as defined in 61-1-134(1)(a), or a vehicle described in 61-1-134(2)(b) of any agricultural crop, forage used by livestock, or livestock, timber, birds, or fish that are grown, raised, or produced in Montana or any value-added agricultural product that is made from those things.

Section 3. Section 61-10-125, MCA, is amended to read:

"61-10-125. Other fees -- rulemaking authority. (1) There is charged for a single trip permit for a load that is over the gross allowable load provided for by the formula in 61-10-107(1) but that does not exceed axle limits set forth in 61-10-107(1):

(a) \$10 for distances to and including 100 miles;

(b) \$30 for distances from 101 to 199 miles; and

(c) \$50 for distances over 200 miles traveled.

(2) (a) There is charged a fee of:

(i) \$200 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 5,000 pounds in excess axle weight;

(ii) \$500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 10,000 pounds in excess axle weight, with no single axle exceeding 5,000 pounds in excess axle weight;

(iii) \$750 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 15,000 pounds in excess axle weight, with no single axle exceeding 5,000 pounds in excess axle weight;

(iv) \$1,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that

does not exceed a total of 20,000 pounds in excess axle weight, with no single axle exceeding 5,000 pounds in excess axle weight and no tandem axle exceeding 15,000 pounds in excess axle weight;

(v) \$1,500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 25,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

(vi) \$2,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 30,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

(vii) \$4,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 40,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation.

(b) The fees provided in subsection (2)(a) are annual fees but may be prorated on a quarterly basis and may be paid quarterly, semiannually, or annually. However, if the fee is paid other than annually, there is an additional fee of \$10 each time a fee is paid.

(c) A permit issued under this subsection (2) is valid for a period of no less than 1 calendar quarter and no more than 1 calendar year.

(d) The department of transportation or its agent may not issue a term permit for loads that exceed 10,000 pounds in excess axle weight unless the person applying for the term permit has obtained approval from the department of transportation, through a weight analysis, for the configuration of the vehicle.

(3) There is charged for a permit to move a load that exceeds the single axle, tandem axle, or axle group limits set forth in 61-10-107(1) the following fee based upon the sum of excess in axle or axle group weights:

Total Excess Axle Weight (pounds)	Calculated Cost of 25 Miles of Travel (dollars)
5,000	3.50
10,000	7.00
15,000	10.50
20,000	14.00
25,000	17.50

1	30,000	21.00
2	35,000	24.50
3	40,000	28.00
4	45,000	31.50
5	50,000	35.00
6	55,000	38.50
7	60,000	42.00
8	65,000	45.50
9	70,000	49.00
10	75,000	52.50
11	80,000	56.00
12	85,000	59.50
13	90,000	63.00
14	95,000	66.50
15	100,000	70.00
16	over 100,000	70.00
17	+ 3.50 per 5,000 lbs. or	
18	part of 5,000 lbs. in excess of 100,000 lbs.	

19 (4) For purposes of subsection (3):

20 (a) mileage must be rounded off in units of 25 miles and mileage in excess of a 25-mile increment must
21 be assessed at the next higher 25-mile increment; and

22 (b) weight must be rounded off in 5,000-pound increments and weight in excess of a 5,000-pound
23 increment must be assessed at the next higher 5,000-pound increment.

24 (5) A vehicle must be licensed to the maximum allowable weight authorized under 61-10-107 before
25 an overweight permit may be issued.

26 (6) (a) Except as provided in subsection (6)(b), permits may be issued to Montana-based motor carriers
27 operating Montana licensed vehicles, on or after January 1, 2007, for the vehicle combinations and weights
28 described in subsection (6)(c) for travel on Montana nonnational network highways.

29 (b) The department shall conduct a review of the nonnational network highways and approve the
30 highway or highway section for travel before permits for the vehicle combinations and weights described in

1 subsection (6)(c) may be issued.

2 (c) Vehicle combinations and weights on Montana nonnational network highways are as follows:

3 (i) maximum single-axle limit is 20,000 pounds;

4 (ii) maximum tandem-axle limit is 37,500 pounds;

5 (iii) maximum tridem-axle limit is:

6 (A) 46,300 pounds, with axles spaced from 94 inches to less than 118 inches;

7 (B) 50,700 pounds, with axles spaced from 118 inches to less than 141 inches;

8 (C) 52,900 pounds, with axles spaced from 141 inches to 146 inches;

9 (iv) maximum gross weight is:

10 (A) 118,000 pounds, "A" train;

11 (B) 124,600 pounds, seven-axle "B" train; or

12 (C) 137,800 pounds, eight-axle "B" train.

13 (d) The designation of "A" train or "B" train under subsection (6)(c)(iv) refers to the manner in which the
14 two trailing units are connected.

15 (e) Fees for the permits for the vehicle combinations and weights described in subsection (6)(c) are
16 provided for in subsections (2) through (5).

17 (7) For purposes of subsection (6), "vehicle combination" means:

18 (a) a truck-tractor and one semitrailer, with a minimum gross vehicle weight of 80,000 pounds;

19 (b) a truck-tractor and two semitrailers, with a minimum gross vehicle weight of 80,000 pounds; or

20 (c) a truck-tractor and a semitrailer and trailer, with a minimum gross vehicle weight of 80,000 pounds.

21 (8) The department shall adopt rules to implement provisions of this section."

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23 **NEW SECTION. Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an
24 integral part of Title 15, chapter 70, part 2, and the provisions of Title 15, chapter 70, part 2, apply to [section 1].

25 (2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 70, part 3, and the
26 provisions of Title 15, chapter 70, part 3, apply to [section 2].

27
28 **NEW SECTION. Section 5. Contingent voidness.** (1) If [section 3(6) through (8)] is disapproved by
29 the United States department of transportation, then [section 3(6) through (8)] is void.

30 (2) Within 15 days of the effective date of the disapproval under subsection (1), the Montana department

1 of transportation shall notify the code commissioner, certifying that the disapproval under subsection (1) has
2 occurred.

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4 NEW SECTION. **Section 6. Effective dates.** (1) [Sections 1 and 2] are effective January 1, 2006.
5 (2) [Sections 3 through 5 and this section] are effective July 1, 2005.

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